IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.14189-M of 2007

DATE OF DECISION: MARCH 6, 2007

Sandeep Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.S.S.Rangi, Advocate,
for the petitioner.

...

Petitioner Sandeep Singh, who is a proclaimed offender, has filed the instant petition under Section 482 Cr.P.C. for quashing FIR No.47 dated 2.9.1997 registered under Sections 323/324/452/148/149 read with Section 34 IPC at Police Station Bhogpur, District Jalandhar and the subsequent proceedings arising therefrom.

The aforesaid FIR was registered against the petitioner and other co-accused, namely, Amarjit Singh and Harmanjit Singh in the year 1997. After the investigation, the challan was filed in the year 1998 and during the pendency of the case, the petitioner left for abroad without any intimation to the investigating agency and the court. He was declared proclaimed offender on 18.8.1999. Thereafter, he did not appear and is still residing abroad, and has filed the instant petition through his attorney. The trial was conducted against the co-accused. The prosecution examined 5/6 witnesses, but the co-accused were acquitted by the trial court vide judgment dated 11.5.2000 on the ground that the prosecution failed to prove the charge beyond reasonable doubt. Now after seven years of the acquittal of the co-accused, the instant petition has been filed by the petitioner on the ground that actually there was a compromise between the complainant and the petitioner, and in view of the said compromise he went abroad under the impression that the case will be withdrawn. Therefore, the counsel

contends that no useful purpose will be served by putting the petitioner on trial as the other co-accused have already been acquitted. In support of his contention, counsel for the petitioner placed reliance on a judgment of the Supreme Court in Akhil Alijehangir Ali Sayyed v. State of Maharashtra, (2003) 2 SCC 708 and a judgment of the Delhi High Court in Amarjit v. State, 1996(1) C.L.R. 619.

After hearing the counsel for the petitioner and going through the contents of the petition, I do not find any ground to quash the aforesaid FIR on the said ground. The co-accused have not been acquitted on any compromise between the complainant and the accused. They have been acquitted because the prosecution could not prove the charge against them. The petitioner, who is the proclaimed offender for the last more than eight years, cannot be given the benefit of the said acquittal. Now the prosecution can prove the charges against the petitioner by leading the evidence. It is not a case of acquittal on the basis of compromise between the parties. The aforesaid judgments cited by the counsel for the petitioner are not relevant and applicable to the facts of the present case.

Thus, in the facts and circumstances of the case, I do not find any ground to entertain this petition filed by the petitioner through his attorney, who is still in abroad, and quash the FIR and the subsequent proceedings on the aforesaid ground.

Dismissed.

March 6, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE